

Hillary P. Carls
CARLS LAW, PLLC
322 West Mendenhall, P.O. Box 85
Bozeman, MT 59771
406.577.2145
406.219.0256 (fax)
hillary@carlslaw.com

Veronica A. Procter
PROCTER LAW, PLLC
2718 Montana Avenue, Suite 200
Billings, MT 59101
406.294.8915
406.302.0504 (fax)
vp@procterlawfirm.com
Attorneys for Plaintiffs & Putative Class

WILLIAMS LAW FIRM, P.C.
Susan Moriarity Miltko
James David Johnson
Hannah I. Higgins
235 E. Pine, P.O. Box 9440
Missoula, MT 59807-9440
406.721.4350
susan@wmslaw.com
james@wmslaw.com
hannah@wmslaw.com
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Catherine Cole, Barbara Koostra, Mary-Ann
Sontag Bowman, Rhondie Voorhees,
Courtney Babcock, Laura Berkhouse, Ruth
Ann Burgad, Jane Doe 1, Jennifer Cooper,
Cindy Ferguson, Frieda Houser, Sherrie
Lindbo, Jennifer McNulty, Jane Doe 2, Vida
Wilkinson, Jackie Hedtke, Laura John, and
Vandi Theriot, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

Montana University System, University of
Montana-Missoula, and John Doe
Defendants 1-50,

Defendants.

CV-21-88-M-BMM

**Joint Motion to
Approve Settlement and
Dismiss with Prejudice**

Plaintiffs and Defendants (collectively “the Parties”), by and through their attorneys of record, pursuant to Federal Rule of Civil Procedure 41(a)(2), jointly move the Court to approve the settlement and dismiss this matter with prejudice, because it has been fully settled upon the merits, each party to pay its own costs and attorney fees.

The Parties reached a settlement in this matter through the Court ordered mediation. (Docs. 128, 129). The Parties request that the Court review the General Release and Settlement Agreement (“Settlement Agreement”) *in camera* because of the privacy considerations of the Parties, including but not limited to, identifying information regarding the Jane Doe Plaintiffs. As a part of this Settlement Agreement, the claims related to the requested class action (*see, i.e.*, Doc. 140) and the State of Montana will be dismissed with prejudice. While settlement approval by the Court is not required, the Parties seek the Court’s approval of the settlement given the nature of the Parties and claims, and to ensure proper process regarding the dismissal of these claims.

The Parties’ Settlement Agreement presents good cause to grant the Parties’ joint motion to dismiss this matter with prejudice. This settlement only resolves Plaintiffs’ individual claims, not those of any other individual. Further, the affirmative/injunctive relief provided for in the Settlement Agreement does not prejudice individuals outside of this litigation. Thus, there is no prejudice regarding

the class claims. Good cause also exists to release the State of Montana in this settlement because the Defendants are the State of Montana pursuant to § 2-9-101, MCA.

Good cause exists for the Court to approve the Settlement Agreement and to dismiss this matter with prejudice pursuant to the Parties' joint request.

Contemporaneous with this Joint Motion, Plaintiffs file their Unopposed Motion to Approve Distribution of Settlement Funds and Dismiss with Prejudice. (Doc. 175).

Dated this 8th day of January, 2024.

/s/ Hillary P. Carls
Hillary P. Carls
Veronica A. Procter
Attorneys for Plaintiffs

Dated this 8th day of January, 2024.

/s/ Susan Moriarity Miltko
Susan Moriarity Miltko
James David Johnson
Hannah I. Higgins
Attorneys for Defendants